

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 10, 2014

Ordinance- Amending the Zoning Ordinance to change the zoning standard for determining grade when measuring fences and walls and adding a definition of “natural grade”; ZOTA # 14-01.

RECITAL

In adopting this zoning ordinance the Town Council has considered the factors set out in §15.2-2284, Code of Virginia (1950), as amended.

BE IT ORDAINED by the Council of the Town of Herndon that:

1. Subsection 78-517(c), Fencing, wall and hedge standards, Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Section 78-517. Fencing, wall and hedge standards.

(c) *Height of fences or walls.* All fences and walls shall conform to the following height standards. In all cases, heights are measured from natural grade. If a fence is constructed on top of a wall or a fence or wall is constructed on top of fill material over the natural grade, the combined height of the two items shall not exceed the maximum height that would apply to the fence or wall alone. When measuring the height of a fence or wall, the measurement shall allow for an average deviation of up to five percent of the allowable maximum height for the whole fence or wall measured every four feet with no measurement exceeding five inches above the maximum allowable height. Fence and wall posts shall not exceed the maximum allowed fence height by more than six inches inclusive of finials or other decorative elements.

- (1) *Residential districts.*

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- e. Except as further restricted by section 78-509, Visibility clearance, fences or walls up to and including four feet in height may be located within a required setback or required yard.
- f. Fences and walls up to and including seven feet in height may be located within a required rear yard or required side yard, but shall not extend forward of the architectural front façade of the principal structure.

(2) *Nonresidential zoning districts.*

- a. The owner or tenant of any property in a business zoning district may submit an application for an administrative adjustment to the zoning administrator per section 78-202.5 for a site security plan requesting fences or walls taller than those permitted by this section. The zoning administrator may approve the administrative adjustment, if it is approved, upon findings that:
 1. The condition, location, or use of the property, or the history of activity in the area, indicates the property or any materials stored or used on the property are in significantly greater danger of theft or damage than the surrounding properties.
 2. The additional height of fences or walls indicated in the site security plan will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent properties or the surrounding area as a whole.
 3. Security fences in commercial and industrial zoning districts shall not exceed nine feet in height.

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2. Subsection 78-701, Definitions, Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Section 78-701. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section.

[add in alphabetical order]

Natural grade. The elevation of the ground according to (i) an approved engineered development plan or (ii) the elevation of the ground immediately before the beginning of the subject development, which includes any deposit of fill material. The applicant for development approval may determine which of the methods of determining natural grade to use. In the absence of such a determination, the zoning administrator shall make such determination.

3. This ordinance shall be effective on and after the date of its adoption and shall apply retroactively to development plans submitted but not yet approved on or before this date of adoption.

This is certified to be a true and accurate copy of Ordinance 14-O-22 adopted at a legally convened meeting of the Town Council of the Town of Herndon on June 10, 2014.


Margie C. Facci, Deputy Town Clerk II